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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,493	02/10/2004	Staffan Jonsson	2333-128	1122
23117	7590	02/09/2006		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER TUGBANG, ANTHONY D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/774,493

Applicant(s)

JONSSON, STAFFAN

Examiner

A. Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-31 and 34-37 is/are allowed.
- 6) ☒ Claim(s) 32,33,38-40 and 42-46 is/are rejected.
- 7) ☒ Claim(s) 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/377,833.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicant(s) amendment filed on November 18, 2005 has been fully considered and made of record.

### ***Drawings***

2. The drawings were received on November 18, 2005 with respect to the replacement of Figure 1. These drawings are have been approved by the examiner.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 33 and 42-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In Claim 33, the phrase of “directly conducting heat only from the lid to the getter for a predetermined period of time” (lines 7-8) is new matter. With the emphasis on the term of “only” (line 7), the specification and drawings, as originally filed, do not provide support for the lid *only*, by itself, to directly conduct heat to the getter.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 33 and 42-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 33, it is unclear from the disclosure what is meant by the phrase of “directly conducting heat only from the lid to the getter for a predetermined period of time” (lines 7-8). The specification states that the lid is heated by either a heating probe, or that heating of the lid “can be provided...in some other way” (specification, p. 15), which clearly implies that the lid by itself cannot be the sole source of conducting heat to the getter. The lid must be heated by some other source in order to conduct and transfer heat to the getter. So the claim completely contradicts the specification.

NOTE: No art rejections have been applied to Claims 33 and 42-46, since there are a great deal of confusion and uncertainty as to the proper interpretation of the limitations of claims and the examiner will not speculate as to the meaning. Therefore, it would not be proper to reject such claims on the basis of prior art. See MPEP 2173.06.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 32 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Soviet Union Patent Publication SU 1362971, referred to hereinafter as SU'971.

SU'971 discloses a method of producing a pressure sensor comprising: first activating the getter 5 by directly contacting the getter with a flat surface of an exterior solid body (cap 9 and nipple 8) that is for only a predetermined period of time heated via a heat source to that heat is conducted from the exterior solid body to the getter so that also the pressure house sensor assembly is sealed with the exterior solid body (all of which is discussed in the English Language Translation).

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over SU'971, in view of Schiabel et al 5,916,479.

SU'971 discloses the claimed manufacturing method as relied upon above in Claim 32. SU'971 does not teach that the exterior heated body is heated by laser radiation.

Schiabel teaches activating getter material by the use of a heat source of either laser radiation, or induction heating, to thermally activate the getter material to the extent that purposely creates a vacuo or vacuum process (discussed at col. 2, lines 31-38). During activation, the heat source is connected to a solid body to activate the getter material. When the activation is completed, the heat source, i.e. laser radiation or induction heating, is subsequently

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removed from being connected with the getter and the solid body since the heat source is not considered part of the final structure of the pressure sensor house assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the SU'971 method by having the exterior solid body heated by a heat source of either laser radiation or induction heating, as taught by Schiabel, to positively provide an alternative heating means that thermally activates the getter material.

11. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over SU'971 in view of Ko 5,443,310.

SU'971 teaches the claimed production method as relied upon above in Claim 32. SU'971 does not teach that the getter can move elastically.

Ko teaches that a solid body can have an elastic direct mechanical contact with a getter through an elastic contact (wing portions 8b in Fig. 5) to advantageously direct diffusion of the getter material by a folded angle  $\alpha$ , during heating or activation of the getter material (see col. 2, lines 38-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of SU'971 by utilizing the elastic direct mechanical contact of the solid body to the getter and allow the getter to move elastically, as taught by Ko, to positively direct diffusion of the getter material at a certain folded angle.

### ***Response to Arguments***

12. The applicant(s) arguments with respect to claims 32, 33 and 38-46 have been considered, but are moot in view of the new ground(s) of rejection.

*Allowable Subject Matter*

13. Claims 27-31 and 34-37 are allowed.
14. Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

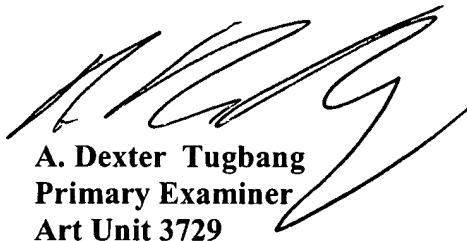
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**A. Dexter Tugbang**  
**Primary Examiner**  
**Art Unit 3729**

February 2, 2006